

REFERENCE TITLE: premarital and postnuptial agreements; registry

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HB 2794

Introduced by
Representatives McCune Davis, Hershberger, Senator Brotherton:
Representative Anderson, Senator Johnson

AN ACT

AMENDING TITLE 25, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 25-206; AMENDING SECTION 33-413, ARIZONA REVISED STATUTES; RELATING TO MARITAL AND DOMESTIC RELATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 25, chapter 2, article 1, Arizona Revised Statutes,
3 is amended by adding section 25-206, to read:

4 25-206. Registry; fee

5 A. ON OR BEFORE JANUARY 1, 2007, THE SECRETARY OF STATE SHALL
6 ESTABLISH A REGISTRY FOR FILING PREMARITAL AGREEMENTS AND POSTNUPTIAL
7 AGREEMENTS AND AMENDMENTS TO THESE AGREEMENTS. THE SECRETARY OF STATE MAY
8 CHARGE A FEE FOR EACH REGISTRATION AND SHALL PRESCRIBE THE PROCEDURAL
9 REGISTRATION REQUIREMENTS.

10 B. REGISTRATION PURSUANT TO THIS SECTION CONSTITUTES NOTICE TO
11 CREDITORS AND THIRD PARTIES OF THE AGREEMENT FILED.

12 C. A PERSON WHO FILES AN AGREEMENT PURSUANT TO THIS SECTION MAY FILE
13 THE ENTIRE AGREEMENT OR ONLY AN EXCERPT OF THAT AGREEMENT THAT IS PERTINENT
14 TO CREDITORS OR PURCHASERS FOR VALUABLE CONSIDERATION, EXCEPT THAT THE
15 EXCERPT PROVIDES NOTICE ONLY TO THE EXTENT OF THE FILED EXCERPTED AGREEMENT.

16 Sec. 2. Section 33-413, Arizona Revised Statutes, is amended to read:

17 33-413. Invalidity of unrecorded marriage contract as to bona
18 fide purchaser or creditor

19 ~~No~~ A covenant or agreement made in consideration of marriage ~~shall be~~
20 OR A POSTNUPTIAL AGREEMENT MADE BY SPOUSES WHO REMAIN MARRIED TO EACH OTHER
21 IS NOT valid against a purchaser for valuable consideration, ~~or~~ or a creditor
22 THAT DOES not ~~having~~ HAVE notice ~~thereof,~~ OF THAT AGREEMENT unless the
23 covenant or agreement is duly acknowledged and recorded in the manner and
24 form required for deeds and other conveyances OR IS REGISTERED WITH THE
25 SECRETARY OF STATE PURSUANT TO SECTION 25-206.